IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

MELISSA SMITH,

Plaintiff,

V.

No. 2:17-cv-01021-JCH-KRS

MICHAEL HARTLEY and JAKE VU,

Defendants.

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

Proceed in District Court without Prepaying Fees or Costs [Doc. 2], filed October 10, 2017. The Court has the discretion to "authorize the commencement . . . of any suit . . . without prepayment

**THIS MATTER** comes before the Court upon Plaintiff's Application (Motion) to

of fees or security therefore, by a person who submits an affidavit that includes a statement of all

assets [the person] possesses [and] that the person is unable to pay such fees or give security

therefore." 28 U.S.C. § 1915(a)(1). Yet, a review of Plaintiff's affidavit of current income and

assets reveals that Plaintiff has a monthly income of between \$1,800 and \$2,300, and that she

owns her own business. Consequently, Plaintiff has failed to establish that she is unable to pay

the required filing fee or that doing so will cause her substantial hardship.

IT IS, THEREFORE, ORDERED that Plaintiff's Application (Motion) to Proceed in

District Court without Prepaying Fees or Costs [Doc. 2] is hereby **DENIED.** 

KEVIN R. SWEAZEA

UNITED STATES MAGISTRATE JUDGE